

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR VOLUSIA COUNTY, FLORIDA

IN RE: PETITION FOR RISK PROTECTION ORDER  
AGAINST {Name of Respondent} [REDACTED]

VCSO Case Number  
210015329

**AFFIDAVIT**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

I, {full legal name} Deputy Reuben Marty, in my position as {job title} Deputy Sheriff with the {name of law enforcement officer/agency} Volusia Sheriff Office, swear and affirm that the following facts are true and correct.

1. {Name of Respondent} [REDACTED] poses a significant danger of causing personal injury to himself/herself or others by having a firearm or any ammunition in his/her custody or control or by purchasing, possessing or receiving a firearm or any ammunition. The following specific statements, actions, or facts give rise to a reasonable fear of significant dangerous acts by the respondent:

On August 17, 2021 at approximately 2219 hours, Deputy Marty was dispatched and responded to the Walmart located at 101 Howland blvd, Deltona in reference to a reported disturbance. Upon arrival Deputy Mendoza made contact with [REDACTED] (VI) who advised her husband [REDACTED] (D1) arrived at her place of work and saw her talking to her male and female co-workers outside of the Walmart

1 Additional pages are attached. (Continued to Section 2)

2. {Name of Witness} [REDACTED] provided the following information based on his/her personal knowledge:

before he confronted them with a handgun in hand. [REDACTED] explained she observed her husband charge the handgun and then stated in a threatening manner "this is not going to stay like this". [REDACTED] advised at the time she was in fear for her life and believed her husband was going to harm her with the handgun. [REDACTED] then explained her husband retreated and went back into his vehicle a white in color 4D Subaru FL tag ([REDACTED])

1 Additional pages are attached.

**AFFIDAVIT CONTINUATION**

FROM SECTION 2

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After watching her husband leave ██████████ believed the incident was over with and went inside to begin her shift. ██████████ then received a picture of the back of her head while working inside of the Walmart from her husband via phone. After receiving the picture ██████████ then began to receive text messages from her husband stating she better hope he did not find the other people, referring to her male co-workers. ██████████ later advised her friend ██████████ (WI) who was involved in the initial incident sent her a text message advising her that her husband was back in the store. ██████████ provided deputies with a sworn written statement of the incident and advised she did not want to press charges. Deputy Mendoza provided ██████████ with a victim/witness rights pamphlet and a domestic abuse pamphlet and explained her rights and remedies for domestic violence for which she signed for. Deputies also provided ██████████ with a Sheriff's business card and case number and advised her to call if she had any more information. Deputy Mendoza then made contact with ██████████ who advised she was with her friend ██████████ outside of the Walmart when two male co-workers approached them and said hello. While talking to her co-worker she observed ██████████ husband arrive at the Walmart in his vehicle and pull out a handgun. ██████████ advised at the time she was afraid for her life as ██████████ husband began to yell at them. ██████████ told Deputies she tried to talk to ██████████ to explain it was a misunderstanding because ██████████ thought ██████████ was cheating. ██████████ then explained ██████████ left afterwards and walked back to his vehicle. After some time ██████████ began to do some grocery shopping inside of the Walmart and observed ██████████ back inside of the Walmart with a bat in hand. ██████████ advised ██████████ did not see her after walking by her several times and he then began walking out of the store. ██████████ provided deputies with a sworn written statement of the incident. Deputies was then provided a description of ██████████ who at the time was wearing a black hat, black shirt, and blue jeans. Deputies made contact with ██████████ at the entrance of Walmart where he was detained for the remainder of the investigation. When questioned about the handgun, ██████████ advised he did not have it on him and that it had been in his vehicle the entire time. ██████████ advised he was there to confirm his wife ██████████ was working because he did not believe her. ██████████ then guided deputies to his vehicle where he then gave consent to search it. Deputies then observed a back in color Glock 19 on the floor board behind the passenger seat. At the time the handgun did not have a round chambered and did not have a magazine inside. Deputies then observed two magazines in a black fanny pack loaded with 29 9mm rounds in them, sitting on the front passenger seat of the vehicle. Deputies collected the handgun, magazines, ammunition and fanny pack and later turned them into the District 4 evidence locker. Deputy Marty also completed a Risk Protection Order against ██████████ due to the handgun involved and the nature of the crime. It should be noted the two males involved in the incident were unknown to the victim and witness and deputies were unable to make contact with them. After a thorough investigation, coupled with statements from all parties involved and the evidence found in ██████████'s vehicle it was determined ██████████ would be charged with Felony Aggravated Assault with a deadly weapon without intent to kill. Furthermore, ██████████ and ██████████ have been together and married for the past 7 years, as a result the incident was determined to be domestic violence. A check of Hunter's criminal history revealed no past criminal charges. ██████████ was placed under arrest and transported to the Volusia County Branch Jail. Deputy Marty provided ██████████ with a Marcy's Law form to which she advised, she did not want her information made public.

3. Affiant      is  is not aware of any existing protection order governing the respondent under any applicable statute.

0 Known protection orders are attached

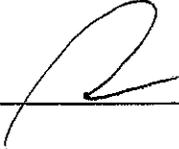
4. The quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody or control are as follows:

Quantity <u>1</u>	Type <u>GLOCK 19</u>	Location <u>VSO Evidence</u>
Quantity <u>29</u>	Type <u>Ammunition</u>	Location <u>VSO Evidence</u>
Quantity <u>2</u>	Type <u>Magazines</u>	Location <u>VSO Evidence</u>
Quantity <u>    </u>	Type <u>    </u>	Location <u>    </u>
Quantity <u>    </u>	Type <u>    </u>	Location <u>    </u>
Quantity <u>    </u>	Type <u>    </u>	Location <u>    </u>

0 Additional pages are attached.

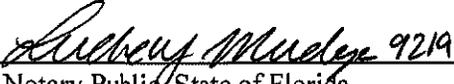
**AFFIANT HEREBY CERTIFIES UNDER PENALTY OF PERJURY THAT THE STATEMENTS AND FACTS IN THIS AFFIDAVIT AND IN ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

Dated: 08/17/2021

Signature of Affiant: 

9086

Sworn to or affirmed and signed before me on 08/17/2021 by Deputy Reuben Marty who  is personally known to me or      presented     , as identification.

 9219  
Notary Public, State of Florida  
My commission expires: